

19 Rec'd PCT/PTO 16 NOV 1995

08/196154 #4
Dkt. 43016-A-PCT-US/JPW/AKC

IN THE UNITED STATES PATENT OFFICE

Applicants : Philip O. Livingston and Friedhelm Helling
International
Appln. No. : PCT/US94/00757 U.S. Serial No.: 08/196,154
International
Filing Date : January 21, 1994
For : GANGLIOSIDE-KLH CONJUGATE VACCINE PLUS QS21

1185 Avenue of the Americas
New York, New York 10036
November 14, 1995

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231
Attn: RO/US

Sir:

COMMUNICATION IN RESPONSE TO OCTOBER 19, 1995 NOTIFICATION OF
MISSING REQUIREMENTS AND TRANSMITTAL OF VERIFIED STATEMENTS

This Communication is submitted in response to the October 19, 1995 Notification Of Missing Requirements Under 35 U.S.C. §371 issued in connection with the above-identified patent application. A copy of the Notification is attached hereto as Exhibit A. Applicants submit herewith two (2) Verified Statements (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27 signed by James S. Quirk and Paul J. Maddon, respectively. The Verified Statements are signed by an authorized officials of the entities who has rights in the subject application, namely, Sloan-Kettering Institute for Cancer Research and Progenics Pharmaceuticals Incorporation, respectively as Exhibit B. Thus, a small entity status has been established and is applicable. A response to the October 19, 1995 Notification is due on November 19, 1995. Accordingly, this Communication is being timely filed.

510 UW 02/05/96 08196154
1 254 65.00 CK

Philip O. Livingston and
Friedhelm Helling
Intl. Appln No. PCT/US94/00757
Filed: January 21, 1994
Page 2

Applicants submit herewith the Declaration and Power of Attorney pursuant to 37 C.F.R. §1.63 as Exhibit C. The Declaration refers to the application's above-identified serial number and filing date. The surcharge for submitting the Declaration and Power of Attorney under 37 C.F.R. §1.492(e) is SIXTY FIVE DOLLARS (\$65.00) for a small entity. A check in the amount of \$65.00 is enclosed to cover the fee for filing the Declaration and Power of Attorney.

No fee, other than the \$65.00 fee for filing a Declaration and Power of Attorney, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Albert Wai Kit Chan

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Assistant Commissioner of Patents Washington, D.C. 20231.	
<i>Albert Wai Kit Chan</i> Albert Wai-Kit Chan Reg. No. 36,479	<i>11/14/95</i> Date

John P. White
Registration No. 28,678
Albert Wai-Kit Chan
Registration No. 36,479
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Box PCT
Washington, D.C. 20231

#4

US APPLICATION NO. 08/196,154	FIRST NAMED APPLICANT LIVINGSTON	ATTY. DOCKET NO. P 43016-A-PCT-US
JOHN P. WHITE COOPER & DUNHAM 30 ROCKEFELLER PLAZA NEW YORK, NEW YORK 10112		INTERNATIONAL APPLICATION NO. PCT/US94/00757
<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED COOPER & DUNHAM OCT 24 1995 DOCKET CLERK </div>		I.A. FILING DATE 01/21/94
		PRIORITY DATE 01/22/93
DATE MAILED: 10/19/95 11/19/95		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.

- ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☒ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Verified Statement Claiming Small Entity Status.
☐ Priority Document
☐ Other:

2. The following items **MUST** be furnished within the time period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or Declaration of the inventors, in compliance with 37 CFR 1.63, identifying the application by International application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.63 for the reasons indicated on the attached PTO-152.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a) - 2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 or ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note a processing fee will be required if submitted later than 30 months from the priority date.

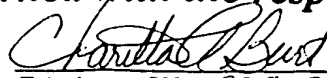
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

A copy of this notice MUST be returned with the response.

Enclosed: ☐ PTO-152 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (May 1993)


 Charitta A. Burt
 Paralegal Specialist
 Telephone: (703) 306-2921